

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KATHRYN ZAITE,

Plaintiff,

vs.

BOEHRINGER INGELHEIM
 PHARMACEUTICALS, INC., *et al.*,

Defendants.

Case No. 2:13-cv-00384-JCM-CWH

ORDER

This matter is before the Court on Defendant's Motion to Stay (#4), filed March 7, 2013; Defendant's Motion to Dismiss (#7), filed March 14, 2013; and Plaintiff's Motion to Remand (#14), filed April 5, 2013.


On June 5, 2013, the MDL Panel entered an order denying Plaintiff's motion to vacate the conditional transfer of this action to MDL No. 2385. Plaintiff's motion was based primarily on the pendency of her motion to remand in this Court. The MDL Panel noted that it has "repeatedly held . . . that a motion for remand alone is generally an insufficient basis to vacate a conditional transfer order." *See* Transfer Order (#21). The Panel further noted that Plaintiff is not precluded from presenting her motion to remand to the transferee judge. Accordingly, Plaintiff's motion to vacate the conditional transfer to MDL No. 2385 was denied and the case transferred to the Southern District of Illinois. *See* Transmittal Return (#23). Due to the transfer, the matter currently pending before this court, identified by case number 2:13-cv-00384-JCM-CWH, was closed. Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Stay (#4) is **denied as moot**.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss (#7) and Plaintiff's Motion to Remand (#14) are **denied as moot and without prejudice** to refiling in the transferee

1 Court.

2 DATED: June 7, 2013.

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6 **C.W. Hoffman, Jr.**
7 **United States Magistrate Judge**
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